

# Kansas State Fire Marshal – Fire Prevention Division

References (s): K.A.R. 22-11-8, 06-101/Chapter 32, 33

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## FIRE FACT 037 – RESIDENTIAL BOARD AND CARE

Residential Board and Care homes provide some of the most diverse characteristics out of all of the occupancies that are regulated by the Kansas State Fire Marshal's Office. This diversity makes it very difficult for inspection staff to uniformly apply the adopted codes, rules, and regulations; not to mention the confusion that exists amongst the community developmental disabilities organizations, licensed community service providers, and other agencies and individuals who provide services or care to adults with developmental disabilities.

In order to accurately classify these occupancies for inspection guidelines, you must understand some of the key definitions.

### **DEFINITIONS**

**Residential board and care facility:** A building or part of a building housing individuals, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services.

Based off NFPA 101, Life Safety Code

Residential Board and Care Large = Housing of 17 or more persons, on a 24-hour basis

Residential Board and Care Small= Housing of 16 persons or fewer, on a 24-hour basis

**Resident:** A person who is receiving supervised personal care on a 24-hour basis.

**Personal Care:** The care of residents who do NOT require chronic or convalescent medical or nursing care.

Examples of personal care: ensuring environmental safety, daily awareness, supervising nutrition and medication, scheduling and reminding of appointments, and transient medical care

Examples of nursing care: chronic disease/illness management such as breathing ventilators, feeding tubes, infirm or bedridden patients, or hospice care

**Ambulatory:** Having the physical and mental capability of getting in and out of bed and walking in a normal path to safety in a reasonable period of time without the aid of another person. Nonambulatory persons shall not be allowed as residents.

### **New facility:**

A facility is considered to be "NEW" if one of the following is met:

- New building or portion of a new building used for residential board and care after February 1, 2011
- Additions made to, or newly used as, residential board and care occupancies
- Major alterations, modernizations, or renovations of existing board and care occupancies
- Change of occupancy inside an existing building or portions thereof to a residential board and care

### **Existing facility:**

A facility is considered to be "EXISTING" if the building or portion thereof is/was occupied as a residential board and care occupancy prior to February 1, 2011.

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## F.A.Q's

### **Our State Licensing Agency does not refer to us as Residential Board and Care?**

Residential board and care facilities may be referred to in a variety of names, depending upon which agency is licensing the facility. Residential board and care may include any of the following:

- Home plus facilities
- Assisted living or Limited Care Facilities
- Any group housing for residents that provides supervision and/or personal care services, whether that housing is owned or rented by the residents
- Any group housing for the elderly that provides personal care services but does not provide nursing care
- Any group housing for residents who, during the daytime hours, attend school, worship or other activities
- Facilities for social rehabilitation, alcoholism, drug abuse, or mental health problems that contain a group housing arrangement and that provides personal care services but does not provide nursing care

### **What are our Fire Drill requirements?**

Fire and evacuation drills shall be held quarterly and on each shift. The fire drills shall include a complete evacuation of the building to include all staff and residents. The drills shall be recorded and must show how much time is taken to reach a point of safety, the date and time of day, the location of the simulated fire origin, the escape paths used, and comments relating to residents who resisted or failed to participate in drills.

### **All of our residents leave during the day to attend community activities, do we still conduct a drill during the day?**

Yes, you must conduct a quarterly drill on each shift. There is nothing that limits the drills to weekdays. It is understood that residents participate frequently in community activities, however there will be days where some residents remain in the home/facility. Residential board and care owner/operators should plan the fire drill to maximize participation.

### **We have been in operation for a couple years but were just now notified that we need a fire inspection. Are we considered new or existing?**

If the facility is/was occupied as a residential board and care occupancy prior to February 1, 2011 KSFM will allow the facility to be inspected as an existing facility. However, once the facility makes a significant change, such as increasing the number of residents or major renovations, then the facility will be required to meet the requirements of a new facility.

### **If the code requires our facility to be sprinklered, do we have to retroactively install a sprinkler system?**

If the facility is/was occupied as a residential board and care occupancy prior to February 1, 2011 KSFM will allow the facility to remain in operation without a sprinkler system, unless the facility has conditions that would constitute a “distinctly hazardous” situation. However, once the facility makes a significant change such as increasing the number of residents or major renovations, then the facility will be required to meet the requirements of a new facility which would include the installation of a sprinkler system.

### **Is there a minimum number of residents required before we have to have a fire inspection?**

K.A.R. 22-11-8 starts the KSFM requirements at one or more clients. The 2006 edition of NFPA 101, Life Safety Code, chapters 32 for new or 33 for existing, will be the code reference used for conducting fire inspections.